

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS CULBREATH,

Petitioner,

v.

CASE NO. 03-CV-75086-DT
HONORABLE VICTORIA A. ROBERTS

BLAINE LAFLER,

Respondent.

**ORDER DENYING PETITIONER'S SECOND
MOTION FOR RELIEF FROM JUDGMENT**

Michigan prisoner Thomas Culbreath ("Petitioner") has filed a second motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b)(4) concerning the Court's denial of federal habeas relief on November 12, 2004. The Court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal on January 5, 2005. The United States Court of Appeals for the Sixth Circuit denied a certificate of appealability. *Culbreath v. Lafler*, No. 04-2566 (6th Cir. Aug. 31, 2005). The United States Supreme Court denied a petition for a writ of certiorari. *Culbreath v. Lafler*, 547 U.S. 1079 (April 17, 2006). Petitioner dated his initial motion for relief from judgment on March 20, 2016. In that motion, he challenged the state court's jurisdiction and arraignment procedures and asserted that this Court acted improperly on habeas review by enforcing a void judgment. On April 4, 2016, the Court denied the motion as untimely and for lack of merit, denied a certificate of appealability, and transferred the motion to the Sixth Circuit to the extent that Petitioner sought to raise new claims not presented in his original habeas petition.

Petitioner now files a second motion for relief from judgment raising the same claims as he did in his first motion and essentially contending that the Court erred in denying him relief from judgment. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner raises just such issues in his motion. Petitioner fails to meet his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Petitioner is not entitled to relief from judgment or a certificate of appealability for the reasons stated in the Court's decision issued on April 4, 2016. Accordingly, the Court **DENIES** Petitioner's motion and **DENIES** a certificate of appealability. This matter has been transferred to the Sixth Circuit. No further pleadings should be filed in this case.

IT IS SO ORDERED.

S/Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: June 3, 2016